

Rebecca Terry v. County of Milwaukee, et al.

17CV1112

Transcript of the Testimony of:

**Brian Wenzel**

March 27, 2018



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1 A Yes.

2 Q She wasn't there at the beginning of your shift; is

3 that correct?

4 A That's correct.

5 Q How long was it into your shift when Ms. Terry was

6 brought in?

7 A About three and three-quarters hours in. About 1:45

8 in the morning Ms. Terry was brought in.

9 Q And that's from your memory or that's from reviewing

10 documents?

11 A Both.

12 Q Who brought her in?

13 A Officer Avery.

14 Q Did anyone -- spell Officer Avery.

15 A A-v-e-r-y.

16 Q Thank you. Male or female?

17 A Female.

18 Q Have you ever seen Ms. Terry prior to that point in

19 time?

20 A No.

21 Q Did you know anything about her prior to the time she

22 was taken in?

23 A No.

24 Q How was she dressed at the time she was taken in?

25 A She was brought in in jail blue, which is the

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1 standard uniform for the females in the jail.

2 Q Could you describe it for us, please?

3 A Blue pants, blue top, V-neck top, with a gray T-shirt

4 underneath. Green socks, black-and-white flip flops.

5 Q Thank you. Was she in handcuffs or shackles or any

6 restraining devices when you first saw her?

7 A No.

8 Q No restraining devices at all; correct?

9 A Correct.

10 Q At any time did you see Ms. Terry with any

11 restraining devices?

12 A No.

13 Q Was she noticeably pregnant when you saw her?

14 A I did notice she was pregnant, yes.

15 Q Tell us everything that CO -- strike that, please.

16 Avery was a CO as well; correct?

17 A Correct.

18 Q Tell us everything that Avery told you from the time

19 you first saw her until she left the SMU.

20 A Officer Avery informed me that Ms. Terry was coming

21 back from a hospital run and that she was going to be

22 going into cell 3. Officer Avery didn't say anything

23 else about the condition of Ms. Terry.

24 Q You asked her about what the hospital run was for; is

25 that correct?

1 A I did not ask her what the hospital run was for.

2 Q She volunteered what the hospital run was for?

3 A She volunteered that she had just come back from the

4 hospital, yes.

5 Q And why she was in the hospital?

6 A She did not relay that information to me, no.

7 Q You know you testified to that earlier in the

8 deposition.

9 MR. KNOTT: Mr. Loevy, I think you're

10 mistaken.

11 MR. LOEVY: Okay. That's fine, I withdraw

12 that comment.

13 MR. KNOTT: I can clarify if you'd like.

14 MR. LOEVY: That's okay.

15 BY MR. LOEVY:

16 Q Did you -- at any time prior to the time that you

17 observed Ms. Terry needing assistance, did you at any

18 time ask why she was in the hospital?

19 A The lieutenant came in and let me know why she was in

20 the hospital.

21 Q When did that happen?

22 A That was shortly after Officer Avery brought her into

23 the SMU.

24 Q Was she -- was she, meaning Terry, already inside a

25 cell?

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1 A Yes.

2 Q How -- how soon after Avery left -- and thank you for

3 the correction -- did the lieutenant come in?

4 A Approximately two minutes.

5 Q And I'm sorry, I know I asked you what the

6 lieutenant's name was, but I forgot.

7 A Montano.

8 Q And that's a female; correct?

9 A Correct.

10 Q And where were you when the lieutenant came in?

11 A I was at my work station at the desk.

12 Q And I will ask you about that in a little bit. The

13 lieutenant came in. Did you stand up or were you

14 still sitting at your work station?

15 A I was still sitting at my work station.

16 Q And tell us everything that the lieutenant said to

17 you and you said to the lieutenant concerning Ms.

18 Terry and/or anything else.

19 A The lieutenant came in and asked how my night was

20 going. I said it was going fine. She had said Ms.

21 Terry had just come back from a hospital run, she was

22 sent out for labor pains and was cleared from that

23 without the indication that she was in any active

24 labor. She also notified me that Ms. Terry was

25 withdrawing from heroin and to just keep me -- just

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1 between the two.

2 Q I didn't understand that. Thank you for the

3 clarification.

4 A You're welcome.

5 Q And when you picked up the phone, how did you get

6 ahold of medical?

7 A I would dial their number and it would --

8 Q How many digits in the number?

9 A Four.

10 Q And it was a push button, not an old-fashioned --

11 A No, it's a push-button phone.

12 Q And where -- what was your understanding, after you

13 pushed the four buttons, where it connected to?

14 A To the clinic across the hall.

15 Q Who was on -- who did you get on the phone with?

16 A I believe Nurse Exum.

17 Q Someone answered?

18 A Yes.

19 Q How long did it take someone to answer the phone?

20 A Two rings.

21 Q I'm sorry?

22 A Two rings.

23 Q Two rings. And what did you say to the person who

24 answered the phone, and what did the nurse say to

25 you? Just on the phone.

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1 A In which time frame are we speaking, because --

2 Q After you phoned. You phoned --

3 A Okay.

4 Q I didn't ask you -- after -- you phoned only after

5 you discovered something was amiss with Ms. Terry;

6 correct?

7 A Okay. Then let me correct myself. When I called,

8 when I found there was something amiss with Ms.

9 Terry, I notified master control.

10 Q How did you do that?

11 A I did that by the phone, because the --

12 Q Same phone?

13 A The same phone. The battery in my radio was dead.

14 Q The battery -- did you not check your radio when --

15 before you began work?

16 A It had been working all night.

17 Q And it just -- at that moment you realized?

18 A I did, because I clicked the button on the side of

19 the radio to speak into the radio and I got nothing.

20 Q Okay. Had you used your radio previous to that

21 time --

22 A I had.

23 Q -- during that shift?

24 A I had.

25 Q Who would you use the radio to communicate with on

1 that shift prior to the time you found out it was

2 dead?

3 A I had spoke to the officer that was coming in to give

4 me a break to find out what time they were coming in.

5 Q Anyone else that you communicated with?

6 A Not that I remember.

7 Q So after you observed Ms. Terry, you tried to

8 communicate to someone by your hand-held phone?

9 A Hand-held radio.

10 Q Radio, I'm sorry. Right?

11 A Correct.

12 Q So you couldn't do it because the battery had gone

13 dead?

14 A Correct.

15 Q So that's when you went behind the console?

16 A I reached behind the console and grabbed the receiver

17 of the telephone and dialed the number for master

18 control.

19 Q Why did you -- why did you communicate with master

20 control as opposed to medical?

21 A When there is an emergency, we were trained to call

22 master control to get additional staff to come.

23 Master control's responsibility is to call it out

24 over the air and notify medical at the same -- at the

25 same time. There are two officers down there.

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1 Q What is your understanding of what master control is?

2 A They are in control of the jail, as moving people,

3 getting people to where they need to go. If there is

4 someone that needs to be moved from one floor to

5 another, you call an officer over the radio and have

6 them move them. They're in charge of, kind of,

7 navigating people through the jail as to where they

8 need to be or where they need them to go.

9 Q Do you know who you made contact with in master

10 control?

11 A Officer King.

12 Q Spell that.

13 A K-i-n-g.

14 Q And what did you say -- do you know it was Officer

15 King that you were communicating with or did you

16 learn that later on?

17 A I knew it was Officer King from when he picked up the

18 phone. He said "King, master control."

19 Q Okay. And what did you say to Officer King; what did

20 Officer King say to you? Is she a supervisor, by the

21 way?

22 A King is not a supervisor, no.

23 Q So what did you say to her?

24 A I said to Officer King, I said: I have an inmate

25 that just gave birth in the SMU. He said: Are you

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1 Q Eighth door. My mistake.  
 2 And the eighth window that you looked in?  
 3 A Correct.  
 4 Q And you don't know how long, then, Ms. Terry's red  
 5 light was on, do you?  
 6 A I do not.  
 7 Q You didn't see it go on?  
 8 A I did not.  
 9 Q And doctor -- while you were checking the other eight  
 10 cells and looking in the other eight windows, did you  
 11 hear anything at that time coming from either Ms.  
 12 Terry's cell or any other cell?  
 13 A As I got over towards Ms. Terry's cell I heard a  
 14 faint cry, and I thought I was going -- not to be  
 15 flippant, I thought I was going crazy.  
 16 Q I think you described it as a rustling noise?  
 17 A The rustling noise I heard earlier in the night.  
 18 Q Okay. And I know it's hard to describe noises, but  
 19 how do you describe a rustling noise?  
 20 A Like moving of sheets. Like if you're laying in bed  
 21 and you're kind of rustling back and forth, it would  
 22 be like a -- like if you take two sheets and sort of  
 23 rub them together they make kind of like a rustling  
 24 noise.  
 25 Q That's a good explanation.

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1 So at any rate, you were -- you looked in  
 2 eight windows and in the eight doors. Did you rattle  
 3 the doors to be sure they were locked?  
 4 A No.  
 5 Q No. Because it's an inside and an outside?  
 6 A Because they are locked when I do my initial  
 7 inspection.  
 8 Q And is your purpose to actually lay eyes upon the  
 9 person that is inside a cell?  
 10 A Yes.  
 11 Q To be sure they are not doing something to  
 12 themselves?  
 13 A Correct.  
 14 Q Those are all individual cells; right?  
 15 A Correct.  
 16 Q So you looked in the eight windows. Is everyone  
 17 sleeping, if you recall?  
 18 A The majority were sleeping. I don't remember if all  
 19 of them were sleeping, but the majority were.  
 20 Q Some might have been sitting up?  
 21 A Some might have been.  
 22 Q Or going to the bathroom?  
 23 A Something like that.  
 24 Q And then when you got to the eighth one, which is Ms.  
 25 Terry, is the first time you noticed the red light?

1 A Yes.  
 2 Q Correct?  
 3 A Correct.  
 4 Q And were all the red lights functioning or were they  
 5 like the cameras, sometimes they -- well, I will  
 6 withdraw that.  
 7 Were all the red lights in every cell  
 8 always functioning?  
 9 A Yes.  
 10 Q Okay. And whose job was it, if you know, to check  
 11 and see if the red lights were functioning?  
 12 A I don't know whose job that is.  
 13 Q Did you ever see someone or anyone test the red  
 14 lights?  
 15 A No.  
 16 Q Do you know if -- if you know, if there is some  
 17 procedure in place to test to see if the red lights  
 18 were working?  
 19 A I don't know of any.  
 20 Q So when you got to Ms. Terry's cell, you noticed the  
 21 red light?  
 22 A Uh-huh.  
 23 Q "Yes"?  
 24 A Yes.  
 25 Q If you would have seen the red light when you went to

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1 the first cell, would you have stopped going through  
 2 1 through 7?  
 3 A Yes.  
 4 Q But -- and so you looked through two windows;  
 5 correct?  
 6 A Yes.  
 7 Q Into Ms. Terry's cell?  
 8 A Yes.  
 9 Q You didn't -- you opened the outside door, but not  
 10 the inside door; is that correct? Or you opened --  
 11 A When I --  
 12 Q When you got to Ms. Terry's cell.  
 13 A I opened it when I noticed that there was something  
 14 on the bed.  
 15 Q What did you do when you saw the red light?  
 16 A I opened the outer door.  
 17 Q But not the inner door?  
 18 A Correct.  
 19 Q And when you looked through the window, what did you  
 20 see?  
 21 A I saw the baby laying on the bed with a cord attached  
 22 to it in front of Ms. Terry.  
 23 Q And what was Ms. Terry's position?  
 24 A Sitting.  
 25 Q She was sitting -- sitting up on the bed?